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[10121/01601]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor(s) : James F. McGUICKIN

Serial No. : 09/697,306

Filing Date : October 27, 2000

For : SURGICAL APPARATUS AND METHOD

Group Art Unit: : To be assigned

Examiner : To Be Assigned

Commissioner for Patents
Washington D.C. 20231

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Date: August 29, 2001

Reg. No. 35,508

Signature

Patrick J. Fay

TRANSMITTAL

S I R:

A Preliminary Amendment is being transmitted herewith for filing in the above-identified patent application.

If any additional fees are required, or to credit any over payment, please use deposit account no. 50-1492. A copy of this paper is enclosed for that purpose.

Respectfully submitted,

By:

Patrick J. Fay, Reg. No. 35,508

Dated: August 29, 2001

FAY KAPLUN & MARCIN, LLP

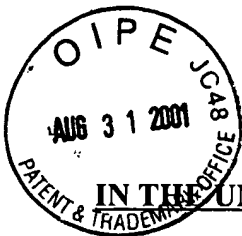
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Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

SIR:

Prior to examination on the merits, please amend the above-identified application as follows:

IN THE SPECIFICATION

On page 1, before line 4, please insert the following paragraph:

Cross-Reference to Related Applications

a¹ This application is a Continuation Application of U.S. Patent Application Serial Number 08/988,052, filed December 10, 1997, which is a Continuation Application of and claims priority to U.S. Patent Application Serial Number 08/352,325, filed December 7, 1994, now U.S. Patent No. 5,868,760.

IN THE CLAIMS:

Please cancel claims 1 - 35 without prejudice and add new claims 36 - 51 as follows:

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